



U of T Faculty of Law

CANADIAN IMMIGRATION & REFUGEE LAW

Winter 2001

Prof. Audrey Macklin

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WEEK 1

SNAPSHOTS

The purpose of the newspaper clippings is 3 fold: The first is to give you a random sampling of contemporary issues and events in global and domestic migration. The second is to invite you to reflect critically on how the media portrays immigrants, refugees and other migrants. The third objective is to introduce you to the weekly "news roundup" which we will be doing at the start of each future class.

I have also included materials summarizing Bill C-31, *The Immigration and Refugee Protection Act*, which died on the order paper when the election was called. It is widely believed that the proposed legislation (perhaps in modified form) will be reintroduced by the current Liberal government. You need not review it now; we will be referring to it at various points later in the course.

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WEEK 2

**THEORETICAL PERSPECTIVES:
LIBERAL & COMMUNITARIAN DEBATES**

This week's readings introduce you to contending theoretical claims about justice and immigration. One of the subtexts concerns whether liberalism (as the dominant discourse of Western democracies) has anything meaningful to say about immigration policy and, if so, what it says. Not only are these debates important on their own terms, but they are also helpful in organizing and critiquing the underlying tenets of the Canadian legal regime, which we will be exploring in future sessions.

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WEEK 3

HISTORICAL AND CONTEMPORARY THEMES

This week's readings review some of the historical trends in Canadian immigration policy leading up to the present day. Historically, class, race and gender figured prominently and explicitly in who was admitted, for what purpose, and under what conditions. To what extent is contemporary immigration policy shaped by these factors? How has the discourse around immigration evolved? These are some of the questions we will explore in class.

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WEEK 4

PROCEDURAL & SUBSTANTIVE CONSTRAINTS: ADMINISTRATIVE, CONSTITUTIONAL AND INT'L HUMAN RIGHTS NORMS

One of the current debates in social science literature on immigration concerns the extent to which international and domestic human rights norms have limited the 'sovereign' power of the state to select, exclude and expel migrants. Some believe that these normative constraints significantly limit state powers, while others maintain that the state's power has only been minimally impaired. This week's readings inquire into the scope, sources and impact of legal constraints within the Canadian context.

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WEEK 5

**CLASSIFICATION UNDER CANADIAN
IMMIGRATION LAW:
VISITORS, IMMIGRANTS, REFUGEES,
PERMANENT RESIDENTS, CITIZENS**

The first part of the class will be spent reviewing the overall structure of the current *Immigration Act* and *Regulations*, with some comparison to Bill C-31. In addition to the Bill C-31 materials contained in Week 1 readings, I have included here an excerpt from Bill C-31 setting out the objectives of Canadian immigration policy. Think about how it is similar to/different from the statement of objectives in the current Act.

The second part of the class will discuss visitors and temporary workers. Try to locate where and how the entry of workers on temporary employment authorizations is regulated under the current legislative scheme, and figure out what changes Bill C-31 proposes.

